



January 7, 2015

*VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED*

Katherine Napoli  
Secretary/Treasurer  
Agent for Service of Process  
Napri, Inc.  
800 Comstock Street  
Santa Clara, CA 95054

**Re: Notice of Violation and Intent to File Suit under the Clean Water Act**

Dear Ms. Napoli:

I am writing on behalf of San Francisco Baykeeper ("Baykeeper") to give notice that Baykeeper intends to file a civil action against Napri, Inc. for violations of the federal Clean Water Act, 33 U.S.C. § 1251 *et seq.* ("CWA") at the facility located at 800 Comstock Street in Santa Clara, California (the "Facility").

Baykeeper is a non-profit public benefit corporation organized under the laws of California, with its office in San Francisco, California. Baykeeper's purpose is to protect and enhance the water quality and natural resources of San Francisco Bay, its tributaries, and other waters in the Bay Area, for the benefit of ecosystems and communities. Baykeeper has over three thousand members who use and enjoy San Francisco Bay and other waters for various recreational, educational, and spiritual purposes. Baykeeper's members' use and enjoyment of these waters are negatively affected by the pollution caused by the Facility's operations.

This letter addresses Napri's unlawful discharge of pollutants via stormwater from the Facility into Guadalupe River and San Francisco Bay. Specifically, Baykeeper's investigation of the Facility has uncovered significant, ongoing, and continuous violations of the CWA and the National Pollution Discharge Elimination System ("NPDES") General Permit No. CAS000001 [State Water Resources Control Board] Water Quality Order No. 92-12-DWQ, as amended by Order No. 97-03-DWQ ("Industrial Stormwater Permit").<sup>1</sup>

<sup>1</sup> On April 1, 2014, the State Water Resources Control Board adopted an updated NPDES General Permit for Discharges Associated with Industrial Activity, Water Quality Order No. 2014-57-DWQ, which has no force or effect until its effective date of July 1, 2015. As of the effective date, Water Quality Order No. 2014-57-DWQ will supersede and rescind the current Industrial Stormwater Permit except for purposes of enforcement actions brought pursuant to the current permit.



Pollution hotline: 1 800 KEEP BAY  
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CWA section 505(b) requires that sixty (60) days prior to the initiation of a civil action under CWA section 505(a), a citizen must give notice of his or her intent to file suit. 33 U.S.C. § 1365. Notice must be given to the alleged violator, the U.S. Environmental Protection Agency ("EPA"), and the State in which the violations occur. As required by section 505(b), this Notice of Violation and Intent to File Suit provides notice to Napri of the violations that have occurred and which continue to occur at the Facility. After the expiration of sixty (60) days from the date of this Notice of Violation and Intent to File Suit, Baykeeper intends to file suit in federal court against Napri under CWA section 505(a) for the violations described more fully below.

During the 60-day notice period, Baykeeper is willing to discuss effective remedies for the violations noticed in this letter. We suggest that you contact us within the next twenty (20) days so that these discussions may be completed by the conclusion of the 60-day notice period. Please note that we do not intend to delay the filing of a complaint in federal court, and service of the complaint shortly thereafter, even if discussions are continuing when the notice period ends.

## **I. THE LOCATION OF THE ALLEGED VIOLATIONS**

### **A. The Facility**

The Facility is located at 800 Comstock Street in Santa Clara, California. At the Facility, Napri dismantles vehicles for the resale of used parts. Potential pollutants that may come in contact with stormwater include the following: waste oils; waste antifreeze coolant; grease; battery acid and residual lead; sediments; and heavy metals such as aluminum, copper, iron, lead, and zinc. The Facility has one designated stormwater discharge point, and stormwater discharges into the Santa Clara municipal separate storm sewer system ("MS4"), which drains to Guadalupe River and then to San Francisco Bay (collectively, "Receiving Waters").

### **B. The Receiving Waters**

Guadalupe River and San Francisco Bay are waters of the United States. The CWA requires that water bodies meet water quality objectives that protect specific "beneficial uses." The beneficial uses of Guadalupe River and San Francisco Bay include industrial service supply (Bay only), commercial and sport fishing (Bay only), estuarine habitat (Bay only), shellfish harvesting (Bay only), groundwater recharge (River only), cold and warm freshwater habitat (River only), fish migration, navigation, preservation of rare and endangered species, water contact and non-contact recreation, fish spawning, and wildlife habitat. Contaminated stormwater from the Facility adversely affects these beneficial uses by impairing water quality and threatening the ecosystem of the San Francisco Bay watershed, including significant habitat for listed rare and endangered species.

## **II. THE ACTIVITIES AT THE FACILITY CONSTITUTE VIOLATIONS OF THE CLEAN WATER ACT**

It is unlawful to discharge pollutants to waters of the United States without an NPDES permit or in violation of the terms and conditions of an NPDES permit. CWA § 301(a), 33 U.S.C. § 1311(a); *see also* CWA § 402(p), 33 U.S.C. § 1342(p) (requiring NPDES permit issuance for the discharge of stormwater associated with industrial activities). The Industrial Stormwater Permit authorizes certain discharges of stormwater, conditioned on compliance with its terms.

In 1992, Napri submitted a Notice of Intent ("NOI") to be authorized to discharge stormwater from the Facility under the Industrial Stormwater Permit. However, information available to Baykeeper indicates that stormwater discharges from the Facility have violated several terms of the Industrial Stormwater Permit, thereby violating the CWA. *Id.* The Facility lacks NPDES permit authorization for discharges of pollutants into waters of the United States, other than discharges that comply with the Industrial Stormwater Permit.

#### **A. Discharges in Excess of BAT/BCT Levels**

The Effluent Limitations of the Industrial Stormwater Permit prohibit the discharge of pollutants from the Facility in concentrations above the level commensurate with the application of best available technology economically achievable ("BAT") for toxic pollutants<sup>2</sup> and best conventional pollutant control technology ("BCT") for conventional pollutants.<sup>3</sup> Industrial Stormwater Permit, Order Part B(3). The EPA has published Benchmark values set at the maximum pollutant concentration present if an industrial facility is employing BAT and BCT, as listed in Attachment 1 to this letter.<sup>4</sup>

Napri's self-reported exceedances of Benchmark values over the last five (5) years, identified in Attachment 2 to this letter, indicate that Napri has failed and is failing to employ measures that constitute BAT and BCT in violation of the requirements of the Industrial Stormwater Permit. Baykeeper alleges and notifies you that stormwater discharges from the Facility have consistently contained and continue to contain levels of pollutants that exceed Benchmark values for copper, zinc, aluminum, iron, total suspended solids, oil and grease, and pH.

Napri's ongoing discharges of stormwater containing levels of pollutants above EPA Benchmark values and BAT and BCT-based levels of control also demonstrate that Napri has not developed and implemented sufficient Best Management Practices ("BMPs") at the Facility. Proper BMPs could include, but are not limited to, moving

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<sup>2</sup> BAT is defined at 40 C.F.R. § 442.23. Toxic pollutants are listed at 40 C.F.R. § 401.15 and include copper, lead, and zinc, among others.

<sup>3</sup> BCT is defined at 40 C.F.R. § 442.22. Conventional pollutants are listed at 40 C.F.R. § 401.16 and include BOD, TSS, oil and grease, pH, and fecal coliform.

<sup>4</sup> The Benchmark values are part of EPA's Multi-Sector General Permit ("MSGP") and can be found at: [http://www.epa.gov/npdes/pubs/msgp2008\\_finalpermit.pdf](http://www.epa.gov/npdes/pubs/msgp2008_finalpermit.pdf). *See* 73 Fed. Reg. 56,572 (Sept. 29, 2008) (Final National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges From Industrial Activities).



certain pollution-generating activities under cover or indoors, capturing and effectively filtering or otherwise treating all stormwater prior to discharge, frequent sweeping to reduce the build-up of pollutants on-site, installing filters in downspouts and storm drains, and other similar measures.

Napri's failure to develop and/or implement adequate pollution controls to meet BAT and BCT at the Facility violates and will continue to violate the CWA and the Industrial Stormwater Permit each and every day the Facility discharges stormwater without meeting BAT/BCT. Baykeeper alleges that Napri has discharged stormwater containing excessive levels of pollutants from the Facility to the Receiving Waters during at least every significant local rain event over 0.1 inches in the last five (5) years.<sup>5</sup> Attachment 3 compiles all dates in the last five (5) years when a significant rain event occurred. Napri is subject to civil penalties for each violation of the Industrial Stormwater Permit and the CWA within the past five (5) years.

#### **B. Discharges Impairing Receiving Waters**

The Industrial Stormwater Permit includes discharge prohibitions and receiving water limitations to protect the water quality of receiving waters. These provisions prohibit stormwater discharges that cause or threaten to cause pollution, contamination, or nuisance (Industrial Stormwater Permit, Order Part A(2)); that adversely impact human health or the environment (*id.* at Order Part C(1)); and that cause or contribute to an exceedance of applicable water quality standards ("WQS") (*id.* at Order Part C(2)).

Applicable WQS are set forth in the California Toxics Rule ("CTR")<sup>6</sup> and Chapter 3 of the San Francisco Bay Basin (Region 2) Water Quality Control Plan ("Basin Plan").<sup>7</sup> See Attachment 1. The Basin Plan establishes both narrative and numeric WQS for San Francisco Bay and its tributaries. The WQS include, but not are limited to, the following:

- Waters shall not contain substances in concentrations that result in the deposition of material that cause nuisance or adversely affect beneficial uses.
- Waters shall not contain suspended material in concentrations that cause nuisance or adversely affect beneficial uses.
- Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses. Increases from normal background light penetration

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<sup>5</sup> Significant local rain events are reflected in the rain gauge data available at: [http://cdec.water.ca.gov,](http://cdec.water.ca.gov/http://lwf.ncdc.noaa.gov/oa/ncdc.html) <http://lwf.ncdc.noaa.gov/oa/ncdc.html>, and <http://www.ncdc.noaa.gov/IPS/hpd/hpd.html>.

<sup>6</sup> The CTR is set forth at 40 C.F.R. § 131.38 and is explained in the Federal Register preamble accompanying the CTR promulgation set forth at 65 Fed. Reg. 31,682 (May 18, 2000).

<sup>7</sup> The Basin Plan is published by the San Francisco Bay Regional Water Quality Control Board at: [http://www.waterboards.ca.gov/sanfranciscobay/basin\\_planning.shtml#2004basinplan](http://www.waterboards.ca.gov/sanfranciscobay/basin_planning.shtml#2004basinplan) (Last accessed on 10/29/14).

or turbidity relatable to waste discharge shall not be greater than 10 percent in areas where natural turbidity is greater than 50 NTU.

- All waters shall be maintained free of toxic substances in concentrations that are lethal to or that produce other detrimental responses in aquatic organisms.
- Surface waters shall not contain concentrations of chemical constituents in amounts that adversely affect any designated beneficial use. The Basin Plan, Table 3-3, identifies specific marine water quality objectives for toxic pollutants,<sup>8</sup> and Table 3-4 identifies specific fresh water quality objectives for toxic pollutants.<sup>9</sup>

Exceedances of WQS are violations of the Industrial Stormwater Permit, the CTR, and the Basin Plan. Baykeeper alleges that the Facility's stormwater discharges do not comply with the discharge prohibitions and receiving water limitations of the Industrial Stormwater Permit. *See* Industrial Stormwater Permit, Order Parts A(2), C(1)-C(2). These allegations are based on Napri's self-reported data submitted to the San Francisco Bay Regional Water Quality Control Board. *See* Attachment 2. In particular, the sampling results show that the discharges include levels of copper, zinc lead, and pH in exceedance of numeric WQS and that the discharges also violation narrative WQS. Moreover, Napri's self-reported data indicates that Napri's discharges are causing or threatening to cause pollution, contamination, and/or nuisance and adversely impact human health or the environment, further violations of the Industrial Stormwater Permit.

Baykeeper alleges that each day that Napri has discharged stormwater from the Facility, Napri's stormwater has contained levels of pollutants that exceeded one or more of the applicable WQS in the Receiving Waters. Baykeeper alleges that Napri has discharged stormwater exceeding WQS from the Facility to these waters during at least every significant local rain event over 0.1 inches in the last five (5) years. *See* Attachment 3. Each discharge from the Facility to the Receiving Waters that has caused or contributed, or causes or contributes, to a violation of the Industrial Stormwater Permit's discharge prohibition, Order Part A(2), and receiving water limitations, Order Parts C(1)-C(2), including an exceedance of an applicable WQS, constitutes a separate violation of the Industrial Stormwater Permit and the CWA. Napri is subject to penalties for each violation of the Industrial Stormwater Permit and the CWA within the past five (5) years.

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<sup>8</sup> Basin Plan, Table 3-3 is available at:

[http://www.waterboards.ca.gov/rwqcb2/water\\_issues/programs/planningtmdls/basinplan/web/tab/tab\\_3-03.pdf](http://www.waterboards.ca.gov/rwqcb2/water_issues/programs/planningtmdls/basinplan/web/tab/tab_3-03.pdf).

<sup>9</sup> Basin Plan, Table 3-4 is available at:

[http://www.waterboards.ca.gov/rwqcb2/water\\_issues/programs/planningtmdls/basinplan/web/tab/tab\\_3-04.pdf](http://www.waterboards.ca.gov/rwqcb2/water_issues/programs/planningtmdls/basinplan/web/tab/tab_3-04.pdf).

**C. Failure to Develop and Implement an Adequate Storm Water Pollution Prevention Plan**

The Industrial Stormwater Permit requires dischargers to develop and implement an adequate Storm Water Pollution Prevention Plan ("SWPPP"). Industrial Stormwater Permit, Section A(1)(a). The Industrial Stormwater Permit also requires dischargers to make all necessary revisions to existing SWPPPs promptly. *Id.* at Order Part E(2).

The SWPPP must include, among other requirements, the following: a site map, a list of significant materials handled and stored at the site, a description and assessment of all potential pollutant sources, a description of the BMPs that will reduce or prevent pollutants in stormwater discharges, specification of BMPs designed to reduce pollutant discharge to BAT and BCT levels, a comprehensive site compliance evaluation completed each reporting year, and revisions to the SWPPP within 90 days after a facility manager determines that the SWPPP is in violation of any requirements of the Industrial Stormwater Permit. *See* Industrial Stormwater Permit, Section A.

Based on information available to Baykeeper, Napri has failed to prepare and/or implement an adequate SWPPP and/or to revise the SWPPP to satisfy each of the requirements of Section A of the Industrial Stormwater Permit. For example, the Facility's SWPPP does not include, and Napri has not implemented, adequate BMPs designed to reduce pollutant levels in discharges to BAT and BCT levels in accordance with Section A(8) of the Industrial Stormwater Permit, as evidenced by the sampling results in Attachment 2.

Accordingly, Napri has violated the CWA each and every day that it has failed to develop and/or implement an adequate SWPPP meeting all of the requirements of Section A of the Industrial Stormwater Permit, and Napri will continue to be in violation every day until it develops and/or implements an adequate SWPPP. Napri is subject to penalties for each violation of the Industrial Stormwater Permit and the CWA occurring within the past five (5) years.

**D. Failure to Develop and Implement an Adequate Monitoring and Reporting Program and to Perform Annual Comprehensive Site Compliance Evaluations**

The Industrial Stormwater Permit requires facility operators to develop and implement a Monitoring and Reporting Program ("MRP"). Industrial Stormwater Permit, Section B(1) and Order Part E(3). The Industrial Stormwater Permit requires that the MRP ensure that each facility's stormwater discharges comply with the Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations specified in the Industrial Stormwater Permit. *Id.* at Section B(2). Facility operators must ensure that their MRP practices reduce or prevent pollutants in stormwater and authorized non-stormwater discharges as well as evaluate and revise their practices to meet changing conditions at the facility. *Id.* This may include revising the SWPPP as required by Section A of the Industrial Stormwater Permit. The MRP must measure the effectiveness

of BMPs used to prevent or reduce pollutants in stormwater and authorized non-stormwater discharges, and facility operators must revise the MRP whenever appropriate. *Id.* at Section B(2). The Industrial Stormwater Permit requires facility operators to visually observe and collect samples of stormwater discharges from all drainage areas. *Id.* at Section B(7). Facility operators are also required to provide an explanation of monitoring methods describing how the facility's monitoring program will satisfy these objectives. *Id.* at Section B(10).

Napri has been operating the Facility with an inadequately-developed and/or inadequately-implemented MRP, in violation of the substantive and procedural requirements set forth in Section B of the Industrial Stormwater Permit. For example, the sampling results in Attachment 2 indicates that the Facility's monitoring program has not ensured that stormwater discharges are in compliance with the Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations of the Industrial Stormwater Permit as required by Section B(2). The monitoring program has not resulted in practices at the Facility that adequately reduce or prevent pollutants in stormwater as required by Section B(2). Similarly, the sampling results in Attachment 2 indicate that the Facility's MRP has not effectively identified or responded to compliance problems at the Facility or resulted in effective revision of BMPs in use or the Facility's SWPPP to address such ongoing problems as required by Section B(2).

In addition, the Facility's MRP is inadequate because Napri has been collecting stormwater samples that do not adequately reflect pollution coming from its industrial activities. Section B(7)(a) of the Industrial Stormwater Permit requires Napri to "collect samples of storm water discharges from all drainage areas that represent the quality and quantity of the facility's storm water discharges." Section B(5)(c)(ii) requires facilities to sample for "[t]oxic chemicals and other pollutants that are likely to be present in storm water discharges in significant quantities," and Section B(5)(c)(iii) requires facilities to sample for the specific analytical parameters listed in Table D of the Industrial Stormwater Permit. For automobile salvage yards, these parameters are TSS, iron, lead, and aluminum. Except for the last sampling event during the 2013-2014 wet season, Napri failed to measure the Facility's stormwater discharges for aluminum and iron, which Napri's 2013-2014 sampling results indicate are being discharged from the Facility in significant amounts. As such, Napri has failed to comply with Sections B(5)(c) and B(7)(a) of the Industrial Stormwater Permit.

As a result of Napri's failure to adequately develop and/or implement an adequate MRP at the Facility, Napri has been in daily and continuous violation of the Industrial Stormwater Permit and the CWA each and every day for the past five (5) years. These violations are ongoing. Napri will continue to be in violation of the monitoring and reporting requirements each day that it fails to adequately develop and/or implement an effective MRP at the Facility. Napri is subject to penalties for each violation of the Industrial Stormwater Permit and the CWA occurring for the last five (5) years.

**E. Discharges Without Permit Coverage**

Section 301(a) of the CWA prohibits the discharge of any pollutant into waters of the United States unless the discharge is authorized by a NPDES permit issued pursuant to section 402 of the CWA. *See* 33 U.S.C. §§ 1311(a), 1342. Napri sought coverage for the Facility under the Industrial Stormwater Permit, which states that any discharge from an industrial facility not in compliance with the Industrial Stormwater Permit "must be either eliminated or permitted by a separate NPDES permit." Industrial Stormwater Permit, Order Part A(1). Because Napri has not obtained coverage under a separate NPDES permit and has failed to eliminate discharges not authorized by the Industrial Stormwater Permit, each and every discharge from the Facility described herein not in compliance with the Industrial Stormwater Permit has constituted and will continue to constitute a discharge without CWA permit coverage in violation of section 301(a) of the CWA, 33 U.S.C. § 1311(a).

**III. PERSONS RESPONSIBLE FOR THE VIOLATIONS**

Napri, Inc. is the person responsible for the violations at the Facility described above.

**IV. NAME AND ADDRESS OF NOTICING PARTY**

Our name, address, and telephone number is as follows:

San Francisco Baykeeper  
785 Market Street, Suite 850  
San Francisco, CA 94103  
(415) 856-0444

**V. COUNSEL**

Baykeeper is represented by the following counsel in this matter, to whom all communications should be directed:

Erica A. Maharg, Staff Attorney  
George Torgun, Managing Attorney  
San Francisco Baykeeper  
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San Francisco, CA 94103  
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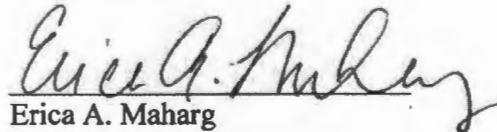


**VI. REMEDIES.**

Baykeeper intends, at the close of the 60-day notice period or thereafter, to file a citizen suit under CWA section 505(a) against Napri, Inc. for the above-referenced violations. Baykeeper will seek declaratory and injunctive relief to prevent further CWA violations pursuant to CWA sections 505(a) and (d), 33 U.S.C. § 1365(a) and (d), and such other relief as permitted by law. In addition, Baykeeper will seek civil penalties pursuant to CWA section 309(d), 33 U.S.C. § 1319(d), and 40 C.F.R. § 19.4, against Napri in this action. The CWA imposes civil penalty liability of up to \$37,500 per day per violation for violations occurring after January 12, 2009. 33 U.S.C. § 1319(d); 40 C.F.R. § 19.4. Baykeeper will seek to recover attorneys' fees, experts' fees, and costs in accordance with CWA section 505(d), 33 U.S.C. § 1365(d).

As noted above, Baykeeper is willing during the 60-day notice period to discuss effective remedies for the violations noted in this letter. Please contact George Torgun or me to initiate these discussions.

Sincerely,



Erica A. Maharg  
Staff Attorney  
San Francisco Baykeeper

cc:

Gina McCarthy, Administrator  
U.S. EPA, Mail Code: 1101A  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Jared Blumenfeld, Regional Administrator  
U.S. EPA - Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

Bruce Wolfe, Executive Officer  
San Francisco Bay RWQCB  
1515 Clay Street, Suite 1400  
Oakland, CA 94612

Thomas Howard, Executive Director  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

## Attachment 1: EPA Benchmarks and Numeric Water Quality Standards

### A. EPA Benchmarks (MSGP<sup>1</sup>)

Parameter	Units	Benchmark value	Source
Total Suspended Solids	mg/L	100	MSGP
Aluminum Total	mg/L	0.75	MSGP
Iron Total	mg/L	1.0	MSGP
Lead Total	mg/L	0.095*	MSGP
Zinc Total	mg/L	0.13*	MSGP
Copper Total	mg/L	0.0156*	MSGP

\* Assuming a water hardness range of 100-125 mg/L

### B. Numeric Freshwater Quality Standards (Basin Plan,<sup>2</sup> Table 3-4)

Parameter	Units	Water Quality Standard	Source
Copper Total	mg/L	0.013*	Basin Plan
Zinc Total	mg/L	0.12*	Basin Plan

\* 1-hour average, assuming a water hardness level of 100 mg/L

<sup>1</sup> "MSGP" is the EPA's Multi-Sector General Permit ("MSGP"), which can be found at: [http://www.epa.gov/npdes/pubs/msgp2008\\_finalpermit.pdf](http://www.epa.gov/npdes/pubs/msgp2008_finalpermit.pdf). See 73 Fed. Reg. 56,572 (Sept. 29, 2008) (Final National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges From Industrial Activities).

<sup>2</sup> The "Basin Plan" is published by the San Francisco Bay Regional Water Quality Control Board at: [http://www.waterboards.ca.gov/sanfranciscobay/basin\\_planning.shtml#2004basinplan](http://www.waterboards.ca.gov/sanfranciscobay/basin_planning.shtml#2004basinplan).

**Attachment 2:**  
**Table of Exceedances for Napri, Inc.**

Table containing each stormwater sample which exceeds EPA Benchmarks, numeric water quality standards (WQS), or both. The EPA Benchmarks and numeric WQS are listed in Attachment 1. All stormwater sampling results were collected and reported by the Facility during the past five years.

No.	Sampling Date	Parameter		Value	Units	Wet Season	Exceeds Bench- mark	Exceeds Numeric WQS
1	2/16/2011	Total Suspended Solids	=	190	mg/L	2010-2011	✓	
2	2/16/2011	Oil & Grease	=	26	mg/L	2010-2011	✓	
3	2/16/2011	Copper Total	=	0.24	mg/L	2010-2011	✓	✓
4	2/16/2011	Lead Total	=	0.19	mg/L	2010-2011	✓	✓
5	2/16/2011	Zinc Total	=	0.87	mg/L	2010-2011	✓	✓
6	11/20/2013	pH	=	5.8	pH units	2013-2014	✓	✓
7	11/20/2013	Oil & Grease	=	28	mg/L	2013-2014	✓	
8	11/20/2013	Copper Total	=	0.15	mg/L	2013-2014	✓	✓
9	11/20/2013	Zinc Total	=	0.3	mg/L	2013-2014	✓	✓
10	11/20/2013	Aluminum Total	=	1.2	mg/L	2013-2014	✓	
11	11/20/2013	Iron Total	=	2.4	mg/L	2013-2014	✓	

**Attachment 3: Alleged Dates of Violations by Napri, Inc.  
January 8, 2010 to December 31, 2014**

Days with precipitation one-tenth of an inch or greater, as reported by NOAA's National Climatic Data Center; San Jose, CA US station, GHCND:USW00023293. <http://www.ncdc.noaa.gov/cdo-web/search>

2010	2011	2012	2013	2014
1/12	1/2	1/20	1/6	1/30
1/13	1/29	1/21	1/24	2/6
1/17	1/30	1/23	2/19	2/7
1/18	2/16	2/13	3/7	2/26
1/19	2/17	2/29	4/4	2/28
1/20	2/18	3/16	9/21	3/1
1/21	2/19	3/24	11/19	3/3
1/22	2/24	3/25	11/20	3/29
1/23	2/25	3/27		3/31
1/29	3/6	3/31		4/1
2/4	3/16	4/10		4/25
2/6	3/18	4/12		9/25
2/9	3/19	4/13		10/25
2/21	3/20	4/25		10/31
2/23	3/21	6/4		11/13
2/26	3/23	10/22		11/20
3/2	3/24	11/1		11/29
3/3	3/26	11/18		11/30
3/12	5/14	11/21		12/2
3/30	6/4	11/28		12/3
3/31	6/28	11/29		12/11
4/4	10/3	11/30		12/12
4/5	10/4	12/2		12/15
4/11	10/5	12/5		12/16
4/12	10/6	12/12		12/17
4/20	11/4	12/15		12/19
4/21	11/5	12/22		
5/25	11/19	12/23		
11/7	11/20	12/25		
11/19		12/26		
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